

Appl. No.: 10/767,534
Response dated October 5, 2005
Reply to Office action of July 12, 2005

REMARKS

Claims 1-44 are pending in the present application.

Restriction Requirement

According to the Office, Restriction is required under 35 U.S.C. 121 among the claims based on the following Groups:

- 1) Claims 1-43, drawn to a sprayable composition; and
- 2) Claim 44, drawn to a method of spraying the composition onto a substrate.

According to the Office, Restriction is proper because "the product could be used in a materially different process such as preventing foaming in a high-shear mixing process."

The Requirement is respectfully traversed.

Claim 44 calls for spraying the foam-reducing composition of the present invention onto a substrate. It therefore appears that the Office is citing the same or similar process for preventing foaming as a "materially different process." Both processes are foam-reducing in nature.

Furthermore, it is respectfully submitted that it would create no undue burden on the Office to examine claim 44 in the present application, since the claimed method calls for spraying the composition encompassed by the claims of Group 1), as described above.

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To comply with the requirements of 37 C.F.R. 1.143, Applicants provisionally elect the subject matter of claims 1-43 (Group 1) for action on the merits.

Favorable reconsideration and withdrawal of the Requirement is respectfully solicited and action on the merits of claims 1-44 is respectfully requested.

Election of Species

According to the Office, claims 1-44 are generic to a plurality of patentably distinct species wherein:

- A) is selected from the group of compounds having three (3) halogen atoms and compounds having one halogen atom and an epoxy oxygen atom attached to two (2) adjacent carbon atoms; and
- B) is selected from compounds wherein "X" is -O-, -S-, -NR₃-, or a C₁₋₁₈ alkyl group and "Y" is a "mercapto, amino, alkylamino, or hydroxy."

It should be noted that "Y" can also be hydrogen. See claim 1.

In compliance with 35 U.S.C.121, Applicants elect the following embodiments of the claims:

- A) as having one halogen atom and an epoxy atom attached to two (2) adjacent carbon atoms; and

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B) "X" is -O- (oxygen), and "Y" is -H- (hydrogen).

Claims 1-44 read on the elected embodiments above.

Favorable reconsideration and an early action on the merits are respectfully solicited.

Respectfully submitted,

John F. Daniels
John F. Daniels, III
(Reg. No. 34,314)
Attorney for Applicants
(215) 628-1413

Cognis Corporation, Patent Dept.
300 Brookside Avenue
Ambler, PA 19002

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